



U.S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

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MEMORANDUM FOR THE ATTORNEY GENERAL<sup>2</sup>

FROM: Daniel J. Bryant *Δ9B*  
Assistant Attorney General

SUBJECT: Weekly Report for June 4, 2001- June 8, 2001

THIS WEEK

**Hanssen:** Glenn Fine, the Department's Inspector General, will brief Senate Judiciary staff on the status of their investigation on this matter on Monday, June 4. Michael Shaheen with the Webster Review is invited. (Walter)

**Department Reauthorization Hearing:** On May 30, representatives of the Civil Rights Division and OLA met with staff for the House Judiciary, Constitution Subcommittee in anticipation of the June 6 reauthorization hearing at which you will be testifying. On Monday, June 4, DOJ staff met informally with House Judiciary staff to discuss technical matters relating to a draft bill reauthorizing the Department of Justice. (Scott-Finan)

**Sharing Electronic Surveillance with the Intelligence Community:** Deputy Assistant Attorney General Bruce Swartz joined representatives from FBI and CIA at a briefing for Senate Intelligence Committee staff on June 4 on issues of sharing Title III wiretap information with the intelligence community. Acting Counsel for Intelligence Policy and Review James Baker will join representatives from FBI and CIA at a briefing for Senate Intelligence Committee staff on issues of sharing FISA information with the intelligence community on June 5. (Walter)

**Competitive Advantage of Federal Prison Industries:** On June 6 the House Small Business Committee (Manzullo/Chair) will hold a hearing on H.R. 1577, legislation that would require the Federal Prison Industries to compete for its contracts, minimizing its unfair competition with non-inmate workers and the firms that employ them and increasing the likelihood that federal agencies get the best value for taxpayers dollars. Joseph Aragon, Chairman of the Board of Directors of Federal Prison Industries will testify. (Scott-Finan)

**Consequences for Juvenile Offenders Act of 2001:** On April 19, the Department sent its views on H.R. 863, "Consequences for Juvenile Offenders Act of 2001" to the House Judiciary Committee. Full Committee markup has already occurred on this bill, and House floor consideration is expected in the next few weeks. The Department supported the bill.

**Representative Greenwood** has indicated that a hearing is tentatively scheduled for June 6 on provisions he had introduced in H.R. 1150 in the 105th Congress, also included in H.R. 1501 in the 106th (sections 1312-1314). The Department has declined an invitation to testify, but has been asked to submit written views. (Owen)

**Faith-Based Initiatives:** The Department (Carl Esbeck) will testify before the Senate Judiciary Committee on Wednesday, June 6 on legal issues related to faith-based programs in S. 304. On Thursday, June 7, Mr. Esbeck will testify before the House Judiciary Committee on the Constitution on legal issues related to the faith-based program provisions in H.R. 7. (Owen)

**Ira Einhorn Extradition:** The House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources has scheduled a hearing on "Justice Delayed: Extradition and the Ira Einhorn Case" on June 7, 2001. The Department met with Subcommittee staff on May 22, 2001, and will meet with the family of the victim on June 6, 2001. Criminal Division Deputy Assistant Attorney General Bruce Swartz will testify. (Tanner)

**SW Border - Prescription Drugs:** The House Committee on Energy and Commerce has scheduled a hearing concerning the flow of prescription drugs into the United States for June 7. The hearing will address importation of prescription drugs by mail, and also land imports pursuant to the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. The Drug Enforcement Agency has been asked to provide a witness, as have Customs and the FDA. (Tanner)

**FISA:** On June 7, Acting Counsel for Intelligence Policy and Review James Baker will join representatives from FBI and CIA at a closed hearing for members of the Senate Intelligence Committee staff on issues related to a FISA case. (Walter)

#### **THE WEEK AHEAD**

**Unaccompanied Minors:** Staff from OLA and INS are working with House Immigration Subcommittee Chairman Gekas and Ranking Member Jackson Lee on scheduling Member briefings in mid-July to discuss current protocol with respect to juvenile detainees. Representatives from Executive Office of Immigration Review will attend as well. (D.Burton)

#### **THE WEEK IN REVIEW**

**House Judiciary Inquiry about the Department's Bar Notification Policy:** On June 1, 2001, the Department advised Chairman Sensenbrenner and others that we have expanded to bar notification policy to encompass notifications of professional misconduct under both intentional and reckless disregard standards. This information accompanied the Department's response to numerous questions following up on a GAO Report about OPR, which we believe will be helpful to the Committee.

**Council of Europe Cyber Crime Convention:** Thursday, May 31, the Department briefed Joint Economic Committee staff (Bennett/Chair) on the status of the Convention. (Daley)

**Field Hearing: Winter Olympics Security:** On Thursday, May 31, the Deputy Attorney General testified at a field hearing in Salt Lake City, Utah before the Senate Judiciary Committee (Hatch/Chair). The hearing will highlight the cooperation and coordination between law enforcement in preparation for the Winter Olympics next year. (Daley)

**Nominations:** The Senate Government Affairs Committee held a hearing on May 22 on the nominations of Erik P. Christian and Maurice A. Ross, both to be Judges on the D.C. Superior Court. Both nominees were approved by the Committee on May 23 and confirmed by the Senate on May 24.

The Senate Judiciary Committee held a hearing May 23 on the following nominations: Ralph Boyd, to be Assistant Attorney General for the Civil Rights Division, and Robert McCallum, to be Assistant Attorney General for the Civil Division. Mr. Boyd received only one question; none were directed to Mr. McCallum. Both nominees received written questions.

On May 24, the nomination of Theodore Olson, to be Solicitor General, was confirmed by the Senate by a vote of 51-47; the nomination of Viet Dinh, to be Assistant Attorney General for the Office of Policy Development, by a vote of 96-1; and Michael Chertoff, to be Assistant Attorney General for the Criminal Division, by a vote of 95-1. Senators Ben Nelson and Zell Miller voted for the Olson nomination. Senator Hillary Rodham Clinton voted against both Dinh and Chertoff.

The nomination of Sharon Prost, to be a United States Circuit Judge for the Federal Circuit was sent to the Senate on May 21. On May 22, the nominations of Thomas Sansonetti, to be Assistant Attorney General for the Environment and Natural Resources Division, and Lavenski R. Smith to be a United States Circuit Judge for the Eighth Circuit, were sent to the Senate. On May 23, the nominations of J. Robert Flores, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, and William J. Riley, to be a United States Circuit Judge for the Eighth Circuit, were sent to the Senate. Sarah Hart's nomination to be Director of the National Institute of Justice and Eileen O'Connor's nomination to be Assistant Attorney General for the Tax Division were submitted to the Senate on May 24. Additionally, the nomination of Odessa F. Vincent to be an Associate Judge of the Superior Court of the District of Columbia, was sent to the Senate on May 24. On May 25, the nominations of Charles W. Pickering, Sr., to be a United States Circuit Judge for the Fifth Circuit, and Timothy M. Tymkovick, to be a United States Circuit Judge for the Tenth Circuit, were sent to the Senate. (Scott-Finan)

**SPAM:** The House Judiciary Committee held a markup May 23 on House versions of the bill (H.R. 718, H.R. 1017). The Judiciary-passed version would require the Department to track and prosecute spam e-mails and also to issue regulations regarding the proper form for identifying spam e-mails with adult content. Should this bill reach the House floor in a similar form, the Department expects much of this authority will be moved to FTC. The House Energy and

Commerce Committee passed a much broader version of H.R. 713. The Judiciary Committee's sequential referral expires on June 5, 2001, and the Department expects a formal report to be issued at that time. The Department is currently consulting with the White House and other agencies regarding this bill and a similar measure in the Senate, both of which have criminal enforcement provisions. (Owen)

**Pharmaceutical Industry:** On Thursday, May 24, the Senate Judiciary Committee held a hearing on competition in the pharmaceutical industry at which Deputy Assistant Attorney General Jim Griffin of the Antitrust Division testified. (Coughlin, Slover)